



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 7097-99

29 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 1 July 1958 at age 17. The record reflects that on 17 April 1959 you were convicted by civil authorities of larceny, damaging city property, failing to have a driver's license, and improper use of an operator's license. The sentence imposed was a fine of \$233. Subsequently, you received four nonjudicial punishments and were convicted by a special court-martial. The offenses included unauthorized absences totalling three days, stealing a radio from a fellow Marine, absence from your appointed place of duty on three occasions, and failure to obey a lawful order.

On 10 August 1960 an administrative discharge board recommended that you be separated with an undesirable discharge by reason of unfitness. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an undesirable discharge on 26 August 1960.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity

and good postservice conduct. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your frequent involvement with civilian and military authorities. The Board especially noted the fact that you were the subject of a civil conviction and five disciplinary actions within a period of less than three years. Therefore, the Board concluded that your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director